IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1125 OF 2024

Sajjan Prasad Gupta .... Applicant

versus

The State of Maharashtra & Anr. .... Respondents

…….

- Mr. Satish R. Mishra, Advocate for Applicant.
- Mr. Nitin B. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.99/2023, dated 26/04/2023, registered with Azad Maidan Police Station, Mumbai, under sections 354-A of the Indian Penal Code and under sections 66C and 67A of the Information Technology Act.

2. Heard Mr. Satish R. Mishra, learned counsel for the Applicant and Mr. Nitin B. Patil, learned APP for the State.

3. The FIR is lodged by the victim herself. She has stated that she was working as a Nurse in a hospital. She wanted financial help. She decided to obtain a loan. On 20/04/2023, she searched on the internet for loan Apps. She downloaded one App named as 'Safe Money'. She provided her information. She applied for Rs.3,000/-. Within a short time, Rs.1,800/- were transferred in her bank account. On 21/04/2023, again she made another application for Rs.3,000/-. Again Rs.1,800/- were deposited in her bank account. On 25/04/2023 she received a WhatsApp call. The caller asked her to return the loan amount. She tried to repay the loan by operating that App, but she could not do it. On 25/04/2023 at about 07.30 p.m. she received a photograph from the number, which she has mentioned in the FIR. That photograph was a morphed photo and it was obscene. The face was that of the informant. She was threatened that this photograph would be circulated.

4. Learned counsel for the Applicant submitted that the Applicant is not named in the FIR. He is not connected with the offence. His own bank account was hacked. Therefore, he

himself is the victim of the offence. He is willing to cooperate with the investigation.

5. Learned APP strongly opposed these submissions. The investigation in this case is over. The charge-sheet is filed. He relied on page Nos.42 and 45 of this application, which form part of the charge-sheet. Those are the bank statements showing entries. Learned APP pointed out that the amount of Rs.1,800/- had gone from the bank account of the present Applicant in the account of the informant. There are supporting entries in the bank statement of the Applicant and as well as the informant. He therefore submitted that there is direct connection of the present Applicant with the offence.

6. I have considered these submissions. The FIR obviously has not named the Applicant. But the investigation revealed that the amount of Rs.1,800/- on two occasions was transferred from the account of the present Applicant to the account of the informant. Thereafter, for recovery of that loan given from the same App, the informant had received phone calls and a

morphed photograph. The offene is quite serious. It is difficult to find out the perpetrators in such kind of offences. However, there is a direct link against the present Applicant because the offence is started by the transfer of Rs.1,800/- from the Applicant's account to the informant's account. In this view of the matter, since there is a direct connection and since it is a very serious offence, the Applicant cannot be protected u/s 438 of Cr.P.C. His custodial interrogation is necessary. The application is rejected.

(SARANG V. KOTWAL, J.)